



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,905	11/09/2001	Ricardo L. de Queiroz	D/98485D	7707
7590	09/07/2004		EXAMINER	
			BRINICH, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2624	
DATE MAILED: 09/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

10

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 10/037,905

SEP 07 2004

Filing Date: November 09, 2001

Technology Center 2600

Appellant(s): L. DE QUEIROZ, RICARDO

Mark Z. Dudley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/14/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

The outstanding issue is whether claim 25 is unpatentable under 35 USC §102(e) as anticipated by Golin (US Patent No. 5,787,207). The rejection of claim 25 as anticipated by Hintzman et al (US Patent No. 5,818,364) has been withdrawn.

(7) Grouping of Claims

Claim 25 of this patent application is the sole claim at issue in this Appeal.

(8) ClaimsAppealed

The copy of the appealed claim contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5787207 GOLIN 7-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Golin. This rejection is set forth in a prior Office Action, mailed on 3/12/04:

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Golin.

Re claim 25, Golin discloses (column 1, lines 18-57, particularly lines 38-40; and column 7, lines 28-56, particularly lines 41-46) an image processing method in which blocking artifacts (discontinuities between blocks) indicative of image compression (because they are caused by an image compression process) are detected and an output is

Art Unit: 2624

generated indicating the presence (or absence, as the case may be) of such blocking artifacts indicative of image compression in accordance with the result of this detection.

(11) Response to Argument

Appellant argues (Paper #9: page 5, line 3 - page 6, line 3) that Golin "merely restates the problem noted by Appellant" relating to block discontinuities. In particular, Appellant argues that the side information of Golin (referenced in the paragraphs at column 7, lines 28-56, particularly at lines 41-46) "is generated during encoding, and not in response to a detection of blocking artifacts" [emphasis in original] (page 5, lines 22-23), and concludes that "nor is there such an output provided in response to a detection of blocking artifacts" (page 6, lines 2-3).

However, as noted in the rejection cited under "Grounds of Rejection" supra, Golin describes (column 7, lines 39-46) the "detection of discontinuities" and the generation of an output indicative of discontinuity (specifically, the setting of a bit to "0" if no discontinuity is detected or to "1" if a discontinuity is detected).

This bit output is thus generated "in response to the detection of the blocking artifacts".

Appellant further argues (Paper #9: page 5, line 31 - page 6, line 3) that Golin "teaches only an output made during encoding that denotes the presence of a discontinuity, and there is no description or suggestion therein of an output indicating image compression".

Golin describes as "Background of the Invention" (column 1, lines 18-20) an image compression implemented by encoding an image in two stages -- the image is "predicted" in the first stage and prediction errors are encoded in the second stage. Golin further describes (column 1, lines 38-42) the problem of "discontinuities" resulting from this prediction process.

Golin discloses the detection of these discontinuities (column 7, lines 28-29 & 38-41), and the production of an output in response to this detection (column 7, lines 41-46).

If the described image compression were not carried out, the described encoding process for implementing the image compression (the image prediction and the prediction error encoding) would not occur. If the image prediction does not occur, there will be no discontinuities resulting from the (non-existent) prediction. Therefore, an image that was not compressed via this encoding would not have any such discontinuities. Conversely, the detection of such a

Art Unit: 2624

discontinuity is possible only if image compression via this encoding has occurred.

Thus, the detection of a discontinuity indicates image compression, and an output indicating such a discontinuity is an output indicating image compression.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Stephen M Brinich
Examiner
Art Unit 2624

smb *SMB*
August 31, 2004

Conferees

David Moore

Kimberly Williams

David Moore DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Thomas A. Lee THOMAS A.
~~DEBORAH~~ LEE
PRIMARY EXAMINER

Patent Documentation Center
Xerox Corporation
Xerox Square 20th Floor
100 Clinton Ave. S.
Rochester, NY 14644

Kimberly Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER